



Attorney Docket No. 23-0454

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
In re Application of: ROBERT MASTROMATTO)
Serial No: 10/719,245)
Filed: 11/21/2003)
For: SLIDING TARP ASSEMBLY)
Examiner: Chin, Paul T)
Group Art Unit: 3652)
Issue Batch No.:)

Mail Stop Petition
Attention: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. 1.137(B)**

The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed on July 26, 2005, which set a three month shortened statutory period for responding to the Office Action mailed December 30, 2004. The abandonment date of this application was March 30, 2005.

Applicant's attorneys respectfully petition the Assistant Commissioner for Patents to revive the above-identified application under the provisions of 37 C.F.R. 1.137 on the ground that the entire delay causing the abandonment of the above-identified application was unintentional.

Statement. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137 (b) was unintentional.

Per PTO Rule 137(b), enclosed with this Petition to Revive and above statement that the delay was unintentional is:

a) a copy of the Abandonment Notice mailed July 26, 2005; and
b) an "Amendment" responsive to the Office Action dated December 30, 2004.

The Commissioner is authorized to charge Deposit Account No. 50-3041 the amount of \$750.00 for the petition fee under 37 C.F.R. §1.17(m), as well as any other fees that may be applicable.

Also enclosed is a copy of an Appointment of Power of Attorney that was submitted on February 13, 2004 but was not recorded by the U.S.P.T.O. Further correspondence, including a response to this Petition, should be mailed to the undersigned at the correspondence address of the Customer Number No. 40,158.

Granting of this petition, and consideration of the enclosed Amendment is respectfully requested.

Respectfully submitted,

LEONARD & PROEHL, Prof.L.L.C.

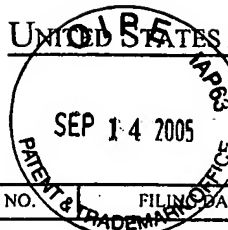


Date: SEPT 14, 2005

Jeffrey A. Proehl (Reg. No. 35,987)
Customer No. 40, 158
3500 South First Avenue Circle, Suite 250
Sioux Falls, SD 57105-5807
(605)339-2028 FAX (605)336-1931
Respectfully submitted,



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/719,245 | 11/21/2003 | Robert MastroMatto | 23-0454 | 2202 |

7590 07/26/2005

ROBERT MASTROMATTO
1217 CEDAR HILL ROAD
AMBLER, PA 19002

EXAMINER

CHIN, PAUL T

ART UNIT PAPER NUMBER

3652

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Abandonment

Application No.

10/719,245

Examiner

PAUL T. CHIN

Applicant(s)

MASTROMATTO ET AL.


Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 30 December 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


DEAN J. KRAMER
PRIMARY EXAMINER

7/2/05

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Filed in the US Patent & Trademark Office.

Attorney's Docket No. 23-0454
Client's Docket No. 15380

Enclosed herewith:

Appointment of POA Transmittal Sheet
Submission of Change of Power of Attorney
Appointment of Power of Attorney

Serial #: 10/719,246
Filing Date: 11/21/2003

Name of Inventor(s):
ROBERT MASTROMATTO
FRANK CERMINARA, JR.

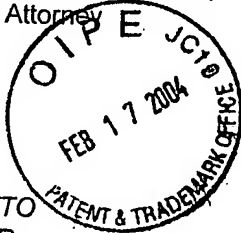
NAME OF INVENTION:

SLIDING TARP ASSEMBLY

MAILING DATE: February 13, 2004

Priority Mail

Leonard & Proehl, Prof. LLC
Customer Number 00040158
3500 S. 1st Ave Circle, Suite 250
Sioux Falls, SD 57105-5802



Filed in the US Patent & Trademark Office.

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